

Message Text

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ACTION IO-14

INFO OCT-01 NEA-10 ISO-00 CIAE-00 DODE-00 PM-05 H-01
INR-07 L-03 NSAE-00 PA-01 PRS-01 SP-02 SS-15
AF-10 ARA-10 EA-10 EUR-12 NSCE-00 SSO-00 USIE-00
INRE-00 HA-05 ACDA-12 DLOS-09 SSM-03 TRSE-00 /131 W
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FM USMISSION USUN NEW YORK
TO SECSTATE IMMEDIATE 7745
AMEMBASSY AMMAN
AMEMBASSY DAMASCUS
AMEMBASSY CAIRO
AMCONSUL JERUSALEM
AMEMBASSY JIDDA
AMEMBASSY TEL AVIV

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E.O. 11652: N/A
TAGS: XF, UNGA
SUBJECT: ISRAELI PRACTICES IN THE OCCUPIED TERRITORIES

REF: USUN 4857

1. ARAB GROUP MET NOVEMBER 21 AND AGREED UPON TEXTS FOR TWO
REMAINING DRAFT RESOLUTIONS ON AGENDA ITEM 57, ISRAELI
PRACTICES IN THE OCCUPIED TERRITORIES. (PLS SEE USUN 4857
FOR GENEVA CONVENTION DRAFT RES.) BOTH DRAFT RESOLUTIONS, THE
OMNIBUS AND QUNEITRA, WILL PROBABLY BE TABLED ON
NOVEMBER 22. AS SOON AS USUN OBTAINED TEXTS AND AFTER TELE-
PHONE CONSULTATION WITH IO/UNP, WE WERE IN TOUCH WITH EC-9
(BEENS AND BATTISCOMBE) AND SYRIAN MISSION (SIBAH)I
ON OPERATIVE PARA 2. THE FINAL PHRASE WHICH WOULD MAKE ISRAELI
CITIZENS SUBJECT TO ARREST AND TRIAL IN SYRIAN OR ANY OTHER
SIGNATORY TO THE GENEVA CONVENTION WAS POINTED OUT AS
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COMPLETELY UNACCEPTABLE TO THE U.S. WE TOLD SIBAH)I,
WHOSE MISSION DRAFTED TEXT THAT THIS AMENDMENT WOULD ALTER
OUR VOTE FROM ABSTENTION TO "NO" AND WOULD
PROBABLY HAVE THE SAME EFFECT ON THE EUROPEANS AND OTHERS.
WE ASKED THE EC-9 IF THEY WOULD CONSIDER LODGING
SAME OBJECTION WITH THE SYRIAN MISSION AND INDICATE TO
THEM A POSSIBLE SHIFT IN EC-9 VOTE FROM ABSTENTION TO

OPPOSITION.

2. SIGAHI PROMISED TO BE BACK IN TOUCH WITH US ON NOVEMBER 22. HE SAID WE WERE GIVEN THE DRAFTS IN ADVANCE INDEED FOR THE PURPOSE OF SEEKING OUR PRELIMINARY REACTIONS. MEANWHILE THE GYPTIANS COUNSELLED US TO PURGE THE SYRIANS TO DROPT THE AMENDMENT SINCE IT WAS THE GYPTIAN IMPRESSION THAT THE SYRIANS WERE NOT DETERMINED TO MAINTAIN IT. PLEASE NOTE THAT THE SAME LANGUAGE IS ALSO IN CORPORATED IN THE OMNIBUS RES, OPERATIVE PARA 4. WE POINTED THIS OUT TO SIBAH I AS WELL AND CONVEYED OUR STRONG OPPOSITION.

3. PRELIMINARY REVIEW OF THE DRAFT OMNIBUS RESOLUTION INDICATES IT FOLLOWS SAME PATTERN AS LAST YEAR'S WITH THE ADDITION OF THE AMENDMENT IN PARA 4 ON THE GENEVA CONVENTION. THIS YEAR'S DRAFT OMITTS ARTICLES 6,7, 8, AND 9.

4. QUOTE "D"
THE GENERAL ASSEMBLY,
RECALLING ITS RESOLUTION 3240 C(XXIX) OF 29 NOVEMBER 1974, 3525C (XXX) OF 15 DECEMBER 1975, AND 31/106 OF 16 DECEMBER 1976,
HAVING CONSIDERED THE REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE POPULATION OF THE OCCUPIED TERRITORIES, IN PARTICULAR ANNEX LIMITED OFFICIAL USE

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II THEREOF, ENTITLED "QUNEITRA": REPORT ON NATURE, EXTENT AND VALUE OF DAMAGE SUBMITTED BY A SWISS EXPERT ENGAGED BY THE SPECIAL COMMITTEE,

1. EXPRESSES ITS APPRECIATION OF THE THOROUGHNESS AND IMPARTIALTY WITH WHICH THE EXPERT ENGAGED BY THE SPECIAL COMMITTEE DISCHARGED THE TASKS ENTRUSTED TO HIM;
2. CONDEMNS THE MASSIVE, DELIBERATE DESTRUCTION OF QUNEITRA PERPETRATED DURING ISRAELI OCCUPATION AND PRIOR TO THE WITHDRAWAL OF ISRAELI FORCES FROM THAT CITY IN 1974 AS A "GRAVE BREACH" OF THE GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR, IN ACCORDANCE WITH ARTICLE 147 THEREOF;
3. REAFFIRMS THAT THE SYRIAN ARAB REPUBLIC IS ENTITLED TO FULL AND ADEQUATE COMPENSATION, UNDER INTERNATIONAL LAW AND IN EQUITY, FOR THE MASSIVE DAMAGE AND DELIBERATE DESTRUCTION PERPETRATED IN QUNEITRA WHILE IT WAS UNDER ISRAELI OCCUPATION, AND TO ALL OTHER LEGAL REMEDIES IN ACCORDANCE WITH APPLICABLE INTERNATIONAL LAW AND PRACTICE;
4. TAKES NOTE OF THE STATEMENTS MADE BY THE REPRESENTATIVE OF THE SYRIAN ARAB REPUBLIC BEFORE THE SPECIAL POLITICAL COMMITTEE AT THE 31ST AND 32ND SESSIONS OF THE GENERAL ASSEMBLY, TO THE EFFECT THAT HIS GOVERNMENT RESERVES

ALL RIGHTS TO FULL COMPENSATION IN REGARD TO ALL DAMAGES
RESULTING FROM ISRAEL'S
DELIBERATE DESTRUCTION OF QUNEITRA, INCLUDING THOSE NOT
COVERED BY THE EXPERT'S ABOVE MENTIONED REPORT OR NOT FALLING
WITHIN THE SCOPE OF HIS ASSIGNMENT;

5. REQUESTS THE SPECIAL COMMITTEE TO COMPLETE ITS SURVEY
ON ALL THE ASPECTS REFERRED TO IN PARAGRAPH 4 ABOVE AND TO
REPORT THEREON TO THE GENERAL ASSEMBLY AT ITS THIRTY-THIRD
SESSION;

6. REQUESTS THE SECRETARY-GENERAL TO PROVIDE THE SPECIAL
COMMITTEE WITH ALL THE FACILITIES REQUIRED FOR THE COMPLETION OF
THE TASKS REFERRED TO IN THE PREVIOUS PARAGRAPHS.

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UNQUOTE

5. QUOTE "C"

THE GENERAL ASSEMBLY,
GUIDED BY THE PURPOSES AND PRINCIPLES OF THE CHARTER OF
THE UNITED NATIONS AS WELL AS THE PRINCIPLES AND PRO-
VISIONS OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS,
BEARING IN MIND THE PROVISIONS OF THE GENEVA CONVENTION
RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR,
OF 12 AUGUST 1949, AS WELL AS OF OTHER RELEVANT CONVENTIONS AND

REGULATIONS,
RECALLING ITS RESOLUTIONS ON THE SUBJECT, AS WELL AS THOSE
ADOPTED BY THE SECURITY COUNCIL, THE COMMISSION ON HUMAN
RIGHTS AND OTHER UNITED NATIONS BODIES CONCERNED AND BY
SPECIALIZED AGENCIES,
HAVING CONSIDERED THE REPORT OF THE SPECIAL COMMITTEE
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TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS
OF THE POPULATION OF THE OCCUPIED TERRITORIES, WHICH
CONTAINS, INTER ALIA, PUBLIC STATEMENT MADE BY LEADERS OF THE
GOVERNMENT OF ISRAEL,
1. COMMENDS THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE POPULATION OF THE OCCUPIED TERRITORIES FOR ITS EFFORTS IN PERFORMING THE TASKS ASSIGNED TO IT BY THE THE GENERAL ASSEMBLY;
2. DEPLORES THE CONTINUED REFUSAL BY ISRAEL TO ALLOW THE SPECIAL COMMITTEE ACCESS TO THE OCCUPIED TERRITORIES;
3. CALLS AGAIN UPON ISRAEL TO ALLOW THE SPECIAL COMMITTEE ACCESS TO THE OCCUPIED TERRITORIES;
4. DEPLORES THE CONTINUED AND PERSISTENT VIOLATION BY ISRAEL OF THE GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR, OF 12 AUGUST 1949, AND OTHER APPLICABLE INTERNATIONAL INSTRUMENTS;
AND CONDEMNS IN PARTICULAR THOSE VIOLATIONS WHICH THE SAID CONVENTION DESIGNATES AS "GRAVE BREACHES" THEREOF IN ACCORDANCE WITH ARTICLE 147;
5. CONDEMNS THE FOLLOWING ISRAELI POLICIES AND PRACTICES:
(A) THE ANNEXATION OF PARTS OF THE OCCUPIED TERRITORIES;
(B) THE ESTABLISHMENT OF ISRAELI SETTLEMENTS THEREIN AND THE TRANSFER OF AN ALIEN POPULATION THERETO;
(C) THE EVACUATION, DEPORTATION, EXPULSION, DISPLACEMENT AND TRANSFER OF ARAB INHABITANTS OF THE OCCUPIED TERRITORIES, AND THE DENIAL OF THEIR RIGHT TO RETURN;
(D) THE CONFISCATION AND EXPROPRIATION OF ARAB PROPERTY IN THE OCCUPIED TERRITORIES AND ALL OTHER TRANSACTIONS FOR THE ACQUISITION OF LAND INVOLVING THE ISRAELI AUTHORITIES, INSTITUTIONS OR NATIONALS ON THE ONE HAND, AND THE INHABITANTS OR INSTITUTIONS OF THE OCCUPIED TERRITORIES ON THE OTHER;
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(E) THE DESTRUCTION AND DEMOLITION OF ARAB HOUSES;
(F) MASS ARRESTS, ADMINISTRATIVE DETENTION AND
ILL-TREATMENT OF THE ARAB POPULATION;

(G) THE ILL-TREATMENT AND TORTURE OF PERSONS UNDER DETENTION;
(H) THE PILLAGING OF ARCHAEOLOGICAL AND CULTURAL PRO-
PERTY;
(I) THE INTERFERENCE WITH RELIGIOUS FREEDOMS AND PRACTICES AS
WELL AS FAMILY RIGHTS AND CUSTOMS;
(J) THE ILLEGAL EXPLOITATION OF NATURAL WEALTH,
RESOURCES AND POPULATION OF THE OCCUPIED TERRITORIES;
6. REAFFIRMS THAT ALL MEASURES TAKEN BY ISRAEL TO CHANGE THE
PHYSICAL CHARACTER, DEMOGRAPHIC COMPOSITION, INSTITUTIONAL STRUC-
TURE OR STATUS OF THE OCCUPIED TERRITORIES, OR ANY PART
THEREOF, INCLUDING JERUSALEM, ARE NULL AND VOID,
AND THAT ISRAEL'S POLICY OF SETTLING PARTS OF ITS POPULATION AND NEW
IMMIGRANTS IN THE OCCUPIED TERRITORIES CONSTITUTES A
FLAGRANT VIOLATION OF THE GENEVA CONVENTION RELATIVE TO THE
PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR AND OF
THE RELEVANT UNITED NATIONS RESOLUTIONS;
7. DEMANDS THAT ISRAEL DESIST FORTHWITH FROM THE POLICIES AND
PRACTICES REFERRED TO IN PARAGRAPH 5 AND 6 ABOVE;

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8. REITERATES ITS CALL UPON ALL STATES, INTERNATIONAL ORGANIZ-
ATIONS AND SPECIALIZED AGENCIES NOT TO RECOGNIZE ANY CHANGES CARRIED
OUT BY ISRAEL IN THE OCCUPIED TERRITORIES AND TO AVOID ACTIONS,
INCLUDING THOSE IN THE FIELD OF AID, WHICH MIGHT BE USED

BY ISRAEL IN ITS PURSUIT OF THE POLICIES OF ANNEXATION AND COLONIZATION OR ANY OF THE OTHER POLICIES AND PRACTICES REFERRED TO IN THE PRESENT RESOLUTION;

9. REQUESTS THE SPECIAL COMMITTEE, PENDING THE EARLY TERMINATION OF THE ISRAELI OCCUPATION, TO CONTINUE TO INVESTIGATE ISRAELI POLICIES AND AS APPROPRIATE WITH INTERNATIONAL COMMITTEE OF THE RED CROSS IN ORDER TO ENSURE THE SAFEGUARDING OF THE WELFARE AND HUMAN RIGHTS OF THE POPULATION OF THE OCCUPIED TERRITORIES; AND TO REPORT TO THE SECRETARY-GENERAL AS

SOON AS POSSIBLE AND WHENEVER THE NEED ARISES THEREAFTER;

10. REQUESTS THE SPECIAL COMMITTEE TO CONTINUE TO INVESTIGATE THE TREATMENT OF CIVILIANS IN DETENTION IN THE LIMITED OFFICIAL USE

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ARAB TERRITORIES OCCUPIED BY ISRAEL SINCE 1967, AND TO SUBMIT TO THE SECRETARY-GENERAL A SPECIAL REPORT ON THAT SUBJECT AS SOON AS POSSIBLE AND WHENEVER THE NEED ARISES THEREAFTER;

11. REQUESTS THE SECRETARY-GENERAL:

(A) TO RENDER ALL NECESSARY FACILITIES TO THE SPECIAL COMMITTEE, INCLUDING THOSE REQUIRED FOR ITS VISITS TO THE OCCUPIED TERRITORIES, WITH A VIEW TO INVESTIGATING ISRAELI POLICIES AND PRACTICES REFERRED TO IN THE PRESENT RESOLUTION;

(B) TO CONTINUE TO MAKE AVAILABLE ADDITIONAL STAFF AS MAY BE NECESSARY TO ASSIST THE SPECIAL COMMITTEE IN THE PERFORMANCE OF ITS TASKS;

(C) TO ENSURE THE WIDEST CIRCULATION OF THE REPORTS OF THE SPECIAL COMMITTEE, AND OF INFORMATION REGARDING ITS ACTIVITIES AND FINDINGS, BY ALL MEANS AVAILABLE THROUGH THE OFFICE OF PUBLIC INFORMATION OF THE SECRETARIAT AND, WHERE NECESSARY, TO REPRINT THOSE REPORTS OF THE SPECIAL COMMITTEE WHICH ARE NO LONGER AVAILABLE;

(D) TO REPORT TO THE GENERAL ASSEMBLY AT ITS THIRTY-THIRD SESSION ON THE TASKS ENTRUSTED TO HIM IN THE PRESENT PARAGRAPH;

12. DECIDES TO INCLUDE IN THE PROVISIONAL AGENDA OF ITS THIRTY-

THIRD SESSION THE ITEM ENTITLED "REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE POPULATION OF THE OCCUPIED TERRITORIES." UNQUOTE

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